

REMARKS

This communication is being filed in response to the Final Office Action dated May 18, 2004. Upon entry of this amendment, claims 13-17 and 19-26 are pending. Claim 18 has been cancelled, without prejudice to the prosecution of cancelled subject matter in continuation applications. Claims 22, 23, 25, and 26 have been amended as discussed below. Support for the amendments can be found throughout the specification and claims as originally filed and there is no new matter added as a consequence of the amendments.

Status of the Claims

Claims 13-17 and 19-26 are pending.

Claims 13-17, 19-21 and 24 have been allowed.

Claims 18, 22, 23, 25 and 26 have been rejected.

Applicant would like to thank the Examiner for the allowance of claims 13-17, 19-21 and 24.

The Rejection under 35 U.S.C. § 112, ¶1 Should Be Withdrawn

Claims 22, 23, 25 and 26 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Examiner notes that Claims 22, 23, 25 and 26 are directed to cortisol antagonist dosages, specifically 200-800 mg for claims 22 and 25 and 300-600 mg for claims 23 and 26, but alleges that the specification does not describe the presently claimed dosages using such descriptive means as words, structures, figures, diagrams and formula that fully set forth the claimed invention concept. The Examiner acknowledges that the specification recites a range of 300-600 mg for ketoconazole.

In response, Applicants have amended claims 23 and 26 to recite ketoconazole as the

cortisol antagonist. As pointed out by the Examiner, support for the amendment can be found in the specification at page 12, line 8.

With regard to claims 22 and 25, Applicants have amended the claims to recite a dosage range of 100-800 mg, rather than 200-800 mg. Support for the amendment can be found in the specification at page 12, line 3.

In light of these amendment, Applicants submit that claims 22, 23, 25 and 26 are allowable and respectfully request withdrawal of the rejection of the claims under 35 U.S.C. § 112, first paragraph.

The Rejections under 35 U.S.C. §§ 102 and 103 Should Be Withdrawn

Claim 18 is rejected under 35 U.S.C. § 102(b) as being anticipated by Kohn et al. (U.S. 5,565,478).

Claim 18 has also been rejected under 35 U.S.C. § 103(a) are unpatentable over Beale (U.S. 6,756,469) in view of Walser (U.S. 5,175,144).

Without conceding to the Examiner's rejections, Applicants have cancelled claim 18. Applicants reserve the right to pursue cancelled subject matter in further continuation or continuation-in-part applications.

For the foregoing reasons, Applicants submit that the rejections of claim 18 under 35 U.S.C. §§ 102 and 103 are obviated and should be withdrawn.

CONCLUSION

Based on the foregoing remarks and amendments, Applicants submit that the present application is in condition for allowance. A Notice of Allowance is therefore respectfully requested.

Applicants believe a fee of \$110.00 is due with this response, representing the fee required under 37 C.F.R. § 1.17(a)(1) for a one-month extension for a non-small entity. A check in that amount is enclosed. Should any additional fees be required in connection with this filing, or should any overpayment have been made, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account Number 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,

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